

prepare food for such purpose under insanitary conditions. The Federal Food, Drug, and Cosmetic Act does not provide that parties shall avoid doing such things if it is possible, it provides that it shall not be done at all. A party who cannot prepare proper food products under sanitary conditions must cease putting such products into interstate commerce. It is obvious that in the instant case the defendant cannot comply with the Federal Food, Drug and Cosmetic Act without a drastic rehabilitation of his premises, and that until such drastic rehabilitation is made that he should be enjoined from shipping or offering to ship in interstate commerce bakery products prepared on the premises in question."

On May 21, 1945, the defendant having consented, the preliminary injunction was made permanent. The court retained jurisdiction for the purpose of modifying or dissolving the decree, but ordered that no application for modification or dissolution be made prior to January 1, 1946.

S309. Adulteration of bakery products. U. S. v. Harvey R. Jones (New York Bakery). Plea of nolo contendere. Fine, \$270. (F. D. C. No. 14297. Sample Nos. 85707-F, 85709-F, 85713-F, 85715-F, 85719-F.)

INFORMATION FILED: March 16, 1945, District of Colorado, against Harvey R. Jones, doing business as the New York Bakery, Durango, Colo.

ALLEGED SHIPMENT: On or about August 12 and 14, 1944, from the State of Colorado into the State of New Mexico.

LABEL, IN PART: "Enriched Dutch Maid Bread," "Maple Bar," "Chocolate Malted Milk Cake," or "Cup Cakes."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect parts and fragments, larvae, rodent hairs, whole beetles, hairs resembling rodent hairs, and a hair resembling a cat hair; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: July 23, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$250 on count 1, and \$5 on each of the other 4 counts, a total fine of \$270.

S310. Adulteration of fruit cake. U. S. v. 124 Fruit Cakes and 420 Boxes of Fruit Cake. Default decrees of condemnation and destruction. (F. D. C. Nos. 14864, 14903. Sample Nos. 79877-F, 83049-F.)

LIBELS FILED: On or about December 26, 1944, and January 5, 1945, District of Connecticut and Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 16 and November 10, 1944, by the Affiliated Bakers (Spilkes Bakery), from Brooklyn, N. Y.

PRODUCT: 124 1-pound fruit cakes at Waterbury, Conn., and 420 boxes, each containing 1 2-pound fruit cake, at Richmond, Va.

LABEL, IN PART: (Cakes) "Fruit Cake," or (boxes) "Golden Harvest Fruit Cake."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 6 and 16, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

S311. Misbranding of bread. U. S. v. Fluhrer Bakeries. Plea of guilty. Fine, \$75. (F. D. C. No. 14311. Sample Nos. 71059-F, 71060-F, 71204-F.)

INFORMATION FILED: April 20, 1945, District of Oregon, against Fluhrer Bakeries, a partnership, Medford, Oreg.

ALLEGED SHIPMENT: Between the approximate dates of March 13 and June 13, 1944, from the State of Oregon into the State of California.

LABEL, IN PART: "Large White 1½ Lb. Sliced Loaf Fluhrer's White Enriched Sliced."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents

in terms of weight, since the loaves of bread weighed less than the declared amount.

DISPOSITION: June 8, 1945. A plea of guilty having been entered, the defendant was fined \$25 on each count, a total fine of \$75.

FLOUR

Nos. 8312 to 8326 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination is known, that fact is stated in the notice of judgment.) In addition, the flours reported in **Nos. 8327 to 8329** failed to meet the standards for enriched flour.

8312. Adulteration of flour. U. S. v. 240 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 15008. Sample No. 24170-H.)

LABEL FILED: On or about January 22, 1945, Western District of Louisiana.

ALLEGED SHIPMENT: On or about May 26 and August 11, 1944, by the Quaker Oats Co., from Sherman, Tex., and St. Joseph, Mo.

PRODUCT: 17 bags, each containing 50 pounds, and 223 bags, each containing 25 pounds, of flour at Ruston, La.

LABEL, IN PART: "Enriched Crystal Wedding Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8313. Adulteration of flour. U. S. v. 84 Bags and 11 Bags of Flour. Default decrees of condemnation. Product ordered used for animal feed. (F. D. C. Nos. 15019, 15020. Sample Nos. 20307-H, 33581-H.)

LABELS FILED: On or about January 24 and 26, 1945, Western District of Oklahoma and Northern District of Texas.

ALLEGED SHIPMENT: On or about March 2, 1944, and January 3, 1945, by the Griffith Laboratories, Inc., from Omaha, Nebr., and Oklahoma City, Okla.

PRODUCT: 11 140-pound bags of flour at Dallas, Tex., and 84 140-pound bags of flour at Oklahoma City, Okla.

LABEL, IN PART: "Griffith's Gelatinous Flour."

VIOLATION CHARGED: Adulteration, Section 402 (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: March 3 and 5, 1945. No claimant having appeared, judgments of condemnation were entered. The Oklahoma City lot was ordered sold, and the Dallas lot was ordered delivered to a charitable institution; both lots were to be used as animal feed.

8314. Adulteration of flour. U. S. v. 88 Bags of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14752. Sample No. 98426-F.)

LABEL FILED: December 12, 1944, Western District of Missouri.

ALLEGED SHIPMENT: In May 1944, by the Griffin Grocery Co., from Miami, Okla.

PRODUCT: 88 100-pound bags of flour, at Joplin, Mo.

LABEL, IN PART: "Fine & Dandy."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: January 16, 1945. The Griffin Grocery Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured by being mixed with other ingredients, and released for use as animal feed.

8315. Adulteration of flour. U. S. v. 27 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 14915. Sample No. 60753-F.)

LABEL FILED: January 2, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about October 12, 1944, from Portland, Oreg.